

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ANTHONY B. ANDERSON,

Petitioner,

Case No. 1:24-cv-118

v.

Honorable Ray Kent

JOHN CHRISTIANSEN,

Respondent.

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**ORDER TO FILE AMENDED PETITION**

This is a habeas corpus action brought by a state prisoner under 28 U.S.C. § 2254. All applications for habeas corpus relief must be submitted on the form petition provided by this Court. *See* Rule 2(d), Rules Governing § 2254 Cases; W.D. Mich. LCivR 5.6(a). Petitioner failed to file his petition on the requisite form. Instead, Petitioner has submitted a handwritten “motion to stay in abeyance.” (ECF No. 1, PageID.1–6.) In his motion, Petitioner acknowledges that he has not exhausted his available state court remedies. (*Id.*, PageID.3.) Petitioner indicates that he intends to file a motion for relief from judgment under Michigan Court Rule 6.502, that he is unsure of his “remaining rights to appeal” regarding the applicable period of limitations, and that he is seeking “advice and/or guidance as to the appropriate course of action.” (*Id.*, PageID.3.)

This Court does not provide legal advice or advisory opinions on timeliness. The Court has docketed Petitioner’s motion as if it were a request for habeas relief to ensure that Petitioner does not lose any rights in the interim. However, that does not mean that Petitioner’s request is properly before the Court. Only when Petitioner files an actual habeas petition will there be a case or controversy for the Court’s review.

The Court directs the Clerk to send to Petitioner a copy of the form petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. If Petitioner wishes to proceed with his action, he must carefully fill out the form and submit it to the Court. Petitioner shall submit an amended petition by filing his habeas petition on the requisite form within 28 days from the date of entry of this order. The case number shown above must appear on the front page of the amended petition. Petitioner must file an original and one complete copy of the amended petition and any new attachments. Petitioner need not re-submit supporting materials filed with the original petition. Because the amended petition will take the place of the original petition, the amended petition must set forth all of the grounds for relief that Petitioner intends to raise.

If Petitioner fails to submit an amended petition in proper form within the time allowed, this action may be dismissed without prejudice by the Court.

**IT IS SO ORDERED.**

Dated: March 28, 2024

/s/ Ray Kent  
Ray Kent  
United States Magistrate Judge